



## Planning & Inspections Department

## Zoning Board of Adjustment

**CITY 1 BUILDING, 300 N CAMPBELL STREET  
FIRST FLOOR, COUNCIL CHAMBERS  
SEPTEMBER 10, 1:30 P.M.**

### **Mayor**

Dee Margo

### **City Council**

#### *District 1*

Peter Svarzbein

#### *District 2*

Alexsandra Annello

#### *District 3*

Cassandra Hernandez

#### *District 4*

Dr. Sam Morgan

#### *District 5*

Dr. Michiel R. Noe

#### *District 6*

Claudia Ordaz Perez

#### *District 7*

Henry Rivera

#### *District 8*

Cissy Lizarraga

### **City Manager**

Tommy Gonzalez

### **CALL TO ORDER**

Chairman Adaauto called the meeting to order at 1:32 p.m., quorum present.

The following Board Members answered roll call:

Chairman Ray Adaauto

Vice-Chairman William Veliz

Ms. Elena Garza

Ms. Linda Troncoso

Ms. Patrice Hills

Mr. Walter Lujan

Mr. James Graham

Ms. Genna Pendergras

The following City Staff were present:

Ms. Anne Guayante, Senior Planner, Planning & Inspections

Ms. Armida Martinez, Planner, Planning & Inspections

Mr. Raul Garcia, Zoning Administrator, Planning & Inspections

Mr. Russell Abeln, Assistant City Attorney, City Attorney's Office

### **CALL TO THE PUBLIC**

*There was no one signed up to speak to the Board Members.*

### **CHANGES TO THE AGENDA/REVISED BACKUP**

*Staff requested item 2. be postponed to the next ZBA meeting, October 8, 2018.*

### **MOTION:**

Motion made by Ms. Troncoso, seconded by Vice-Chairman William Veliz **AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED, REVISED, AS PRESENTED.**

Planning & Inspections Department  
City 3 | 801 Texas Ave | El Paso, Texas 79901 | (915) 212-0088

*"Delivering Outstanding Services"*



**PUBLIC HEARING**  
**REGULAR AGENDA:**

**ITEM 1:**

**PZBA18-00040**

**5710 Ethel**

**Jose Fierro**

**Applicant requests a Special Exception under Section 2.16.050 L (Front Yard Setback) in an R-3 (Residential) zone.** This would permit the construction of a 450 sq. ft. front porch addition to the existing single-family residence, of which 300 square feet encroach into the required front setback and is located within 10' of the front property line. The dimensions of the encroachment are approximately 10' by 30'. The required front and rear yard setback cumulative total is 50' in the R-3 zone district.

**BACKGROUND**

The subject property was constructed in 1954. The Planning Division has received no communications in support of or in opposition to the special exception request.

**STAFF RECOMMENDATION**

Staff recommendations **APPROVAL WITH A CONDITION** for the requested square footage encroachment (30 sq. ft.) is less than the maximum permitted (46.6 sq. ft.). The condition is as follows:

***THAT THE STRUCTURE IN THE REAR YARD SHALL BE REMOVED.***

Armida Martinez gave a presentation and responded to comments and questions from Board Members.

Raul Garcia, Zoning Administrator, responded to comments and questions from the Board.



1-5710 ethel.pptx

Jose Fierro, property owner, responded to comments and questions from Board Members. Chairman Adauto and Raul Garcia, Zoning Administrator, provided Spanish/English translation for Mr. Fierro.

Chairman Adauto, Vice-Chairman Veliz and Board Members Garza, Troncoso, Lujan, Graham and Pendergrass commented and/or asked questions of staff and the property owner.



## Planning & Inspections Department

## Zoning Board of Adjustment

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

### **MOTION:**

Motion made by Ms. Troncoso, seconded by Mr. Lujan **AND UNANIMOUSLY CARRIED TO APPROVE WITH STAFF CONDITIONS WITH THE UNDERSTANDING THAT THE APPLICANT HAS AGREED TO THE CONDITIONS SET FORTH BY THE CITY.**

*Item 2 was postponed to the next ZBA meeting, October 8<sup>th</sup>.*

### **ITEM 2:**

**PZBA18-00045                      9347 Nottingham                      Francisco and Maria Martinez**  
**Applicants request a Special Exception under Section 2.16.050 J (Carport over a driveway) in an R-3/SC (Residential/Special Contract) zone.** This would allow a 23' by 26' carport (473 square feet), all of which is proposed to encroach in the required front yard setback and to be located to within 11' 9" of the front property line. The required front setback is 20' and the required cumulative front and rear yard setback total is 50' in the R-3 zone district.

### **BACKGROUND**

The subject property was constructed in 1976. There is a Legal Non-Conforming certificate on file for the rear setback of 11'. The rear storage shed currently sits on a 5' utility easement and will be moved or demolished. The Planning Division has not received any communications in support or opposition to the special exception request.

### **ITEM 3:**

**PZBA18-00049                      3612 N Stanton                      CDY Real Estate Investors Inc.**  
**Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone.** This would permit the construction of a 660 sq. ft. addition to the existing single-family residence, of which 34.93 square feet encroach into the required rear setback and is located within 18.4' of the rear property line. The dimensions of the encroachment are approximately 1.7' by 32.3'. The required front and rear yard setback cumulative total is 50' in the R-3 zone district.



**BACKGROUND**

The existing residence was constructed in 1960. The Planning Division has received no communications in support of or in opposition to the special exception request.

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** as the requested square footage encroachment (34.93 sq. ft.) is less than the maximum permitted (469.74 sq. ft.).

Armida Martinez gave a presentation. *There were no comments or questions from Board Members.*



3-3612 n  
stanton.pptx

Vanessa Duran, drafter, representing the property owner, concurred with all staff comments.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

**MOTION:**

Motion made by Mr. Graham, seconded by Vice-Chairman Veliz **AND UNANIMOUSLY CARRIED TO APPROVE AS READ BY STAFF.**

**ITEM 4:**

**PZBA18-00052**

**8520 Edgar Park**

**Cheryl Jones**

**Applicant requests a Special Exception under Section 2.16.050 B (Two or more nonconforming lots) in an R-2 (Residential) zone.** This would permit the construction of a single family home, a portion of which is proposed to extend 8'8" feet into the required rear yard setback, for a total of 417 square feet of that building within the setback. The required rear setback for the subject property is 35 feet to allow for it to meet the 60' cumulative front and rear yard setback in the R-2 (Residential) zone district.



**BACKGROUND**

The applicant is requesting Special Exception B to allow the construction of a single family home, 8'8" feet of which would extend into the rear yard setback for a 417 sq. ft. area of total encroachment. Through aerial photos, it was established that one house on the same block extends 2 feet into their required rear setback, and another house extends 24 feet. Measurements were not available for any property constructed after December of 2017, and they were excluded from staff's calculations. This property previously came before the Zoning Board of Adjustments at its July 20, 2018 meeting and was approved for a 5'7" encroachment into its required rear yard, for a total of 276 square feet. The applicant is requesting an additional 3' and 141 square feet. The Planning Division has not received any communications in support or opposition to the special exception request.

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the special exception request as the requested encroachment is less than one of the encroachments into that setback already present on blockface of the subject property.

Anne Guayante gave a presentation and responded to questions from Mr. Lujan.



4-8520 edgar  
park.pptx

Lorenzo Chavira, builder, concurred with all staff comments.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

**MOTION:**

Motion made by Vice-Chairman Veliz, seconded by Ms. Hills **AND UNANIMOUSLY CARRIED TO APPROVE THE RECOMMENDATIONS OF CITY STAFF.**



**ITEM 5:**

**PZBA18-00053**

**3200 Pershing**

**City of El Paso**

**Applicant requests a Special Exception under Section 2.16.050 B (Two or more nonconforming lots) in an A-2 (Apartment) zone.** This would permit the construction of an addition to the existing fire station, a portion of which is proposed to extend 10 feet into the required street side yard setback, for a total of 301 square feet of that building within the setback. The required street side setback is 10 feet in the A-2 (Apartment) zone district.

**BACKGROUND**

The applicant is requesting Special Exception B to allow the construction of an addition to the existing fire station, 10 feet of which would extend into the street side yard setback for a 301 sq. ft. area of total encroachment. Through aerial photos, it was established that two houses on the same block extends 10 feet into that setback, and one house on the adjoining block extends 10 feet as well. The existing building was construction prior to 1955. The Planning Division has not received any communications in support or opposition to the special exception request.

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the special exception request as the requested encroachment is equal to the encroachments into that setback already present on blockface of the subject property.

Anne Guayante gave a presentation and responded to comments and questions from Chairman Adatao.



5-3200

pershing.pptx

George Pinal, Capital Improvement Department, representing the property owner, concurred with all staff comments. Mr. Pinal noted the architectural firm CDA, Carl Daniel Architects, would be the consulting firm on this project and noted the project would be for the Fire Department. Mr. Pinal responded to comments from Chairman Adatao.



***MOTION:***

Motion made by Ms. Pendergras, seconded by Ms. Garza ***AND UNANIMOUSLY CARRIED TO APPROVE.***

**FOR THE RECORD**

Following the vote, Chairman Adaauto stated, tomorrow is a day that we lived through, all of us of us lived through that, either we were very young or very old, but we lived through it. And I would like to remind everybody that tomorrow is 9/11 and as such I think that is appropriate for this Board to say a remembrance, to think about what went on and that awful time that we have lived through. And that we thank not only the Fire Departments, Police Department, military for all the work that they continue to do and keep us safe from this thing ever happening again. And I think, in particular, I would like to commend the Fire Department for the work that they did immediately after 9/11 in sending response teams up to the areas that were affected, and of course, the military that were all involved. As Chair, I would like to put that into the official record that we will remember and we will never forget and we want to thank all the personnel for their actions.

**PUBLIC COMMENT ITEM #5**

Prior to the vote on the minutes, George Reina, lives nearby the Fire Station on Pershing. He received a notification letter regarding the proposed Fire Department construction and wanted information regarding the construction project. Mr. Reina commented on the number of accidents in and around the area near his home.

Chairman Adaauto explained the proposed Fire Department construction for Mr. Reina.

The follow staff members commented:

1. Raul Garcia
2. George Pinal
3. Anne Guayante



## Planning & Inspections Department

## Zoning Board of Adjustment

### 6. Approval of Minutes: August 13, 2018



08.13.2018 zba  
meeting minutes.do

Chairman Adaauto asked if Board Members had any additions, corrections and/or revisions to the minutes. *No responses from the Board.*

#### ***MOTION:***

Motion made by Ms. Troncoso, seconded by Mr. Graham ***AND UNANIMOUSLY CARRIED TO APPROVE.***

***ABSTAIN: Vice-Chairman Veliz, Ms. Pendergras***

#### ***MOTION:***

Motion made by Mr. Graham, seconded by Ms. Pendergras ***AND UNANIMOUSLY CARRIED TO ADJOURN AT 2:20 P.M.***